

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
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THIS DOCUMENT RELATES TO:)	MDL No. 2419
)	Dkt. No 1:13-md-2419 (FDS)
<i>All Actions</i>)	
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)	

**JOINT MOTION TO FURTHER EXTEND DEADLINE FOR
RESPONSE TO MOTION TO RECONSIDER**

Saint Thomas West Hospital, formerly known as Saint Thomas Hospital, Saint Thomas Network, and Saint Thomas Health (collectively, the “Saint Thomas Entities”), Saint Thomas Outpatient Neurosurgical Center, LLC (“STOPNC”), Howell Allen Clinic, P.C. (“Howell Allen”), John W. Culclasure, M.D. (“Dr. Culclasure”), Debra V. Schamberg, R.N. (“Nurse Schamberg”), Specialty Surgery Center, Crossville, PLLC (“SSC”), Kenneth R. Lister, M.D. (“Dr. Lister”), and the Plaintiffs’ Steering Committee (the “PSC”), hereby jointly move for an extension of the deadline to November 25, 2013, to file a joint proposed order or separate orders in response to the Saint Thomas Entities’ Motion to Reconsider MDL Order No. 7.

In support of this motion, the parties state as follows:

1. On September 26, 2013, the Saint Thomas Entities filed a Motion to Reconsider MDL Order No. 7 [Docket No. 457] (the “Motion to Reconsider”). On October 7, 2013, the PSC responded, opposing the Motion to Reconsider. [Docket No. 478] STOPNC, Howell Allen, Dr. Culclasure, and Nurse Schamberg filed a motion to join the Motion to Reconsider [Docket No. 459] that was granted by the Court. [Docket No. 461] SSC and Dr. Lister also filed a motion to

join the Motion to Reconsider [Docket No. 506] that was granted by the Court. [Docket No. 507]

2. At the Court's last status conference, on October 8, 2013, the Court heard argument concerning the Motion to Reconsider from counsel for the Saint Thomas Entities and representatives from the PSC. The Court did not rule on the Motion to Reconsider, but instead ordered the parties to meet and confer on the issues addressed in the motion and to either submit joint or separate proposed orders by October 22, 2013.

3. Counsel for the various Defendants and representatives from the PSC have conferred by phone and in person multiple times and have exchanged numerous emails about the issues raised in the motion, but they still need additional time and information to deliberate further.

4. Counsel for these parties have exchanged several drafts of proposed case-management orders addressing the multiple issues raised in the Motion to Reconsider, including the selection of bellwether trials, discovery, and initial pleadings, and are making progress to reduce the number of issues to be submitted to the Court for resolution.

5. All parties request additional time to try to reach agreement concerning these case management issues, so as to submit a proposal or proposals to the Court that have been thoroughly considered by both sides and to limit disagreement between the parties to the extent possible.

For these reasons, the Saint Thomas Entities, STOPNC, Howell Allen , Dr. Culclasure, Nurse Schamberg, SSC, Dr. Lister, and the PSC request an extension until November 25, 2013, to file joint or separate proposals in response to the Motion to Reconsider.

Saint Thomas West Hospital,
Saint Thomas Network, and
Saint Thomas Health

By its attorneys,

/s/ Sarah P. Kelly

Sarah P. Kelly (BBO #664267)
Nutter McClennen & Fish, LLP
Seaport West, 155 Seaport Blvd.
Boston, Massachusetts 02210
Telephone: (617) 439-2000
Facsimile: (617) 310-9000
skelly@nutter.com

Dated: November 4, 2013

FULBRIGHT & JAWORSKI L.L.P.
98 San Jacinto Blvd. Suite 1100
Austin, Texas 78701
(512) 536-2450
(512) 536-4598 (FAX)

YVONNE K. PUIG
Texas State Bar No. 16385400
MARCY H. GREER
Texas State Bar No. 08417650
ERIC J. HOFFMAN
Texas State Bar No. 24074427

Admitted Pro Hac Vice

/s/ Chris J. Tardio

C.J. Gideon, Jr., #6034
Chris J. Tardio, #23924
Matthew H. Cline, #31076
John-Mark Zini, #31769
Suite 1100
315 Deaderick Street
Nashville, TN 37238
(615) 254-0400

*Attorneys for STOPNC, Howell Allen,
John W. Culclasure, M.D.,
Debra V. Schamberg, R.N.,
SSC, and Kenneth R. Lister, M.D.*

/s/ J. Gerard Stranch, IV

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH &
JENNINGS PLLC
227 Second Avenue North
Nashville, TN 37201
Phone: (615) 254-8801
Fax: (615) 255-5419
gerards@branstetterlaw.com

Tennessee Lead Counsel for PSC

CERTIFICATE OF SERVICE

I certify that, on November 4, 2013, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Sarah P. Kelly

Sarah P. Kelly

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